

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

V.

1.71 ACRES OF LAND, MORE OR
LESS, SITUATE IN STARR COUNTY,
STATE OF TEXAS; AND CITY OF
ROMA, ET AL.,

Defendants.

[illegible]

CASE NO. 7:08-CV-207

STATUS REPORT

The United States of America (“United States”) files this Status Report to inform the Court regarding the status of this case:

BACKGROUND

1. On July 1, 2008, the United States filed its Declaration of Taking ("Declaration") and a Complaint in Condemnation ("Complaint") (Docket Nos. 2 & 1).
2. On July 22, 2008, the United States deposited into the Registry of the Court its estimated just compensation in the amount of \$12,000 (Docket No. 4).
3. The United States amended its Complaint and Declaration of taking on March 3, 2017, (Docket Nos. 36 & 37), and April 27, 2017 (Docket Nos. 47 & 48).

STATUS UPDATE

4. On June 27, 2019, the United States filed its Unopposed Motion to Add Rosario G. Cuellar as Party Defendant and Dismiss Defendant Heirs of Rosario G. Cuellar (Docket No. 95).
5. On July 2, 2019, the Court granted the United States' Unopposed Motion to Add Rosario G. Cuellar as Party Defendant and Dismiss Defendant Heirs of Rosario G. Cuellar (Docket

No. 96).

6. The United States is in the process of determining what additional land, if any, the United States will need to take from owners who are part of this proceeding.
7. The United States originally believed that the City of Roma owned all of the land which it was taking, but the United States subsequently determined that this was incorrect. The City of Roma owned part of the land taken by the United States, but a number of individuals owned the rest.
8. The United States has been discussing with landowners and potential interested parties the option of severing the Tracts included in this action (RGV-RGC-1066, RGV-RGC-1070, RGV-RGC-1071, RGV-RGC-1072, RGV-RGC-1073, RGV-RGC-1074, RGV-RGC-1075, RGV-RGC-1090, RGV-RGC-1091, RGV-RGC-1092, RGV-RGC-1093, RGV-RGC-1094, RGV-RGC-1095) into separate proceedings. Severance may be necessary to separate these properties into separate proceedings where outstanding issues may be more efficiently resolved. By severing the Tracts (RGV-RGC-1066, RGV-RGC-1070, RGV-RGC-1071, RGV-RGC-1072, RGV-RGC-1073, RGV-RGC-1074, RGV-RGC-1075, RGV-RGC-1090, RGV-RGC-1091, RGV-RGC-1092, RGV-RGC-1093, RGV-RGC-1094, RGV-RGC-1095) into separate proceedings, the resolution of the individual actions of each Tract would not be affected by any issues that may arise from the other Tracts.
9. The United States has also been reaching out to landowners and potential interested parties to discuss the following: (a) The possibility of the United States taking additional land; (b) The need to obtain new rights of entry from the landowners in order proceed with necessary real estate related surveys, environmental studies, geotechnical soil testing, and barrier design within the city limits of Roma; (c) To request information to identify and locate all

potential interested parties.

10. The United States has been in discussion with the following:

Landowner Conferences			
	Landowner Name	Conference Held	Type
1	Christina Pena	9/26/2019	Telephone Conference
2	Maribel Reyes	10/4/2019	Telephone Conference
3	Maria Cecilia Benavidez	10/7/2019	Telephone Conference with Attorney Marie E. Delahoussaye
4	Noel P. Benavidez, Jr.		
5	Ascencion V. Montalvo	9/5/2019	Telephone Conference with Attorney Paul Gaytan
6	Noelia Montalvo Munoz		
7	Sylvia Montalvo Ramirez		
8	Juana Zuniga (Spouse of Gaston Zuniga)	9/5/2019	Joint Telephone Conference
9	Dante Zuniga		
10	Valeria Zuniga		
11	Armond Arce	10/3/2019	Joint Telephone Conference
12	Alonzo David Arce		

11. On Wednesday, September 25, 2019, members of U.S. Border Patrol (USBP) met with representatives of the City of Roma to discuss the results of a hydrology analysis completed for the City of Roma's proposed fence alignment location. The results of the hydrology analysis revealed that the fence alignment met deflection requirements. The proposed fence alignment is compliant with the United States boundary treaties with Mexico and USBP has complied with its consultation requirements.

12. USBP continues to work on design issues as well as the details of some areas and is in the process of confirming an agreement with the City of Roma.

13. Accordingly, once rights of entry are obtained from landowners along the fence alignment, the United States can proceed with necessary real estate related surveys, environmental studies, geotechnical soil testing, and barrier design within the city limits of Roma.

14. Negotiations between the United States and the defendants regarding just compensation

are still ongoing but no agreement has yet been reached.

Respectfully submitted,

RYAN K. PATRICK
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By: *s/Manuel Muniz Lorenzi*
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Certificate of Service

I hereby certify that, on October 7, 2019, I mailed a true and correct copy of the foregoing document via regular mail to all the interested parties for whom the United States has contact information.

By: *s/Manuel Muniz Lorenzi*
MANUEL MUNIZ LORENZI
Assistant United States Attorney